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UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Todson, Inc.

Serial No. 76451248

Request for Reconsideration

Myron Amer for Todson, Inc.

Elissa Garber Kon, Trademark Examining Attorney, Law Office
116 (Meryl Hershkowitz, Managing Attorney).

Before Seeherman, Hanak and Bottorff, Administrative
Trademark Judges.

Opinion by Hanak, Administrative Trademark Judge:

Todson, Inc. (applicant) filed a timely Request for Reconsideration of this Board's decision of September 9, 2004 affirming the Examining Attorney's refusal to register applicant's mark BRUTE for "bicycle locks." Citing Section 2(d) of the Trademark Act, the Examining Attorney properly refused registration on the basis that applicant's mark, as applied to bicycle locks, is likely to cause confusion with

the mark THE BRUTE, previously registered for "locks."
Registration No. 1,039,107.

To be quite frank, we do not understand the basis for applicant's Request for Reconsideration. At no point in its very brief Request for Reconsideration has applicant disputed the Board's finding that applicant's mark (BRUTE) is "essentially identical" to the registered mark (THE BRUTE).

As best this Board can discern, applicant is merely repeating its earlier argument that registrant's actual locks are dissimilar from bicycle locks (applicant's goods). In our decision of September 9, 2004, we explained at great length as to why applicant's argument was legally deficient. The description of goods in the cited registration (locks) is a very broad and yet easily understood description. Obviously, the description of goods in the cited registration (locks) encompasses locks of all types including bicycle locks (applicant's goods).

Decision: The Request for Reconsideration is denied.